

Application No. 10/047,220
Amendment dated July 6, 2006
Reply to Office Action of April 6, 2006

Docket No.: 29488/38131

REMARKS

A Restriction Requirement issued in this application on April 6, 2006. The action requires restriction of the claims to one of the following two alleged separate inventions:

I. Claims 1-3, 5-23 and 39 drawn to a dumping system having a conveyor and a bin with a dump mode, classified in class 700, subclass 216.

II. Claims 40-42 drawn to a rack with an indicator connected to a controller that indicates items picked, classified in class 700, subclass 230.

Applicants elect Group I, claims 1-3, 5-23 and 39, but with traverse, for the reasons outlined here.

The Office argues that Groups I and II are related as combination and subcombination. Claim 1 is an independent claim and claim 40 depends from claim 1, and by definition recites all the limitations of claim 1.

MPEP § 806.05 states, "Where a combination as claimed sets forth the details of the subcombination as separately claimed, there is no evidence that combination AB_{sp} is patentable without the details of B_{sp}." Here, claim 1 is the subcombination claim, reciting a dumping station, and claim 40 is the combination claim, reciting the dumping station of claim 1 and a storage rack. To put it in the parlance of § 806.05, B_{sp} is the specifically recited dumping station, and A is the storage rack. Because both claims recite the same specific details of the dumping station, "there is no evidence that combination AB_{sp} is patentable without the details of B_{sp}." Accordingly, the restriction between Groups I and II is improper.

It is respectfully submitted that the independent claims 1, 15, and 39 are *linking claims*, and the Group I should be defined as claims 2, 3, 5-14, and 16-23, and Group II should be defined as claims 40-42. If claim 1 is ultimately allowed, there is no burden

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whatsoever on the examiner to search claims 40-42, because these claims depend from ultimately allowed claim 1.

To fully respond, applicants elect Group I. However, applicant respectfully requests the examiner to recast the restriction requirement as outlined herein, and if linking claim 1 is ultimately allowed, claims 40-42 should be reinstated and allowed.

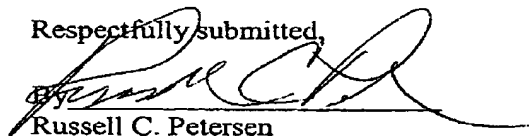
CONCLUSION

In view of this response, applicant requests substantive examination of claims 1-3, 5-23, and 39. Because these claims were shown to be allowable in the most recent Amendment filed January 9, 2006, applicant respectfully requests a notice of allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 13-2855, under Order No. 29488/38131 from which the undersigned is authorized to draw.

Dated: July 6, 2006

Respectfully submitted,



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